



## Assistance Association for Political Prisoners (Burma)

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# Political Prisoner Watch Burma (May 2013)

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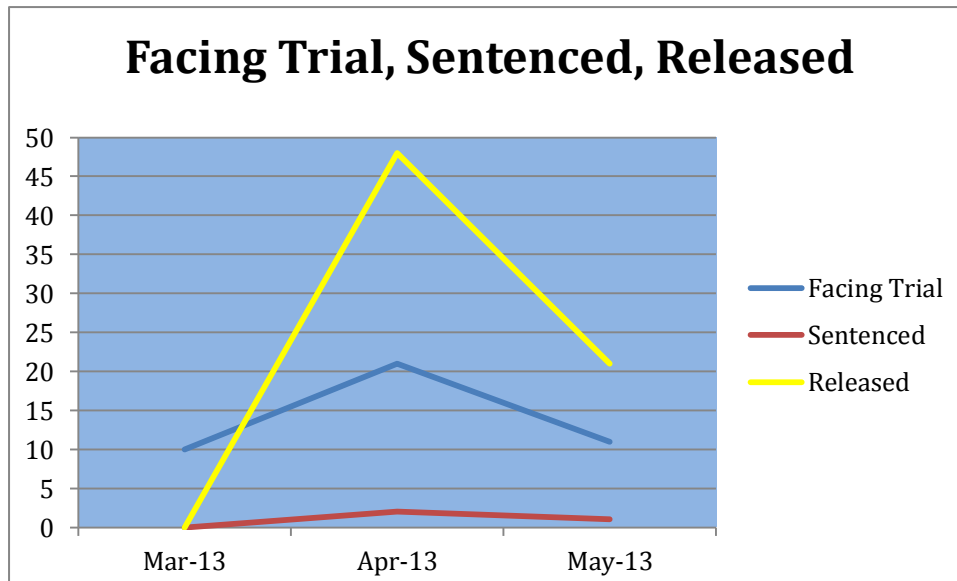
# **Political Prisoner Watch (Burma)**

## **May 2013**

### **Month in Review**

May saw a predictable release of 21 political prisoners ahead of a landmark visit by President U Thein Sein to Washington D.C. to meet with US President Obama. While the release of any political prisoner is welcomed, the release must be viewed in the context of ongoing harassment, threats, and arrest of human rights activists which continued in May. Demonstrators were targeted throughout the country for openly criticizing government-backed construction projects, while 3 demonstrators, last seen in police custody, remained missing throughout the month.

## Summary of the current situation



**11** are facing trial, **1** was sentenced, and **21** political prisoners were released this month.

## Incarcerations

Labor activist Myint Soe was sentenced to seven and a half years imprisonment in Thaton Prison. Accused of cutting trees, he was charged under the Public Property Protection Act (1947), even after proof was made that he did not act as such.

Authorities in Burma have thrown a pardoned political prisoner back in jail under authorization of Section 401 (1) - the first case of its kind in the country. Social campaigner Nay Myo Zin has been sentenced to serve the remaining 6 years of his prison sentence he received 10 years ago, for allegedly being critical of the nation's police. Such actions are detrimental to Burma's rule of law and should be condemned.

Forty two factory workers, who went to Taw Win Company's factory at Wartayar Industrial Zone in Shwepyitha Tsp, Rangoon, without the company supervisors' permission, were indicted by Hlaw-Kar police station under four different sections, including Section 452, of trespassing and Section 18 of the Peaceful Protesting Bill. In the evening of May 14, 2013, twelve out of forty two factory workers were arrested. According to U Than Naing, whose son, Ko Nay Lin Oo, was arrested: "My son, Nay Lin Oo, responded to the police that if they detained an official warrant against him, according to the senior authority's order, he would agree to be arrested; but he added that, if not, the police was not allowed to arrest him, as he was not an offender. Despite these claims, four police members harshly stepped into our house, handcuffed my son and dragged him out from home". (Radio Free Asia) Twelve protest leaders including Ko Nay Lin Oo, Ko Phyo Maung Maung, Ko Tun Tun Win, Ma Ei Zar Phyu, Ma Win Win Tin were tried at Shwepyitha Tsp court, Rangoon, on May 15, 2013. The case began back in December 2012, where factory workers went into Taw Win Company's factory and destroyed the company's materials. In this regard, forty two workers were indicted under Section 452 and twelve among forty two were arrested. Following Shwepyitha Tsp court hearing, twelve detainees, four women and eight men, were sent to

Insein prison. On May 28, 2013, their case was brought to court and they were then tried, clarified the workers' lawyer U Aung Thurein Tun.

In addition, the detained workers were indicted with Section 18 of the Peaceful Protesting Bill by three different courts: Insein, Mayangone, and Sanchaung Tsp. Ma Lae Lae Win, a worker leader, who attended the court hearing, was also arrested as a co-defendant of the twelve detained factory employees. Moreover, the detainees were forced to work before serving their sentence; their defense lawyer U Aung Thurein Tun hence claimed and specified that this action was against the law. The next court hearing is set to happen on June 6, 2013.

**May 28th**

[The case of Taw Win factory detained workers, brought to court \(Democratic Voice of Burma\)](#)

[Taw Win factory detained workers, brought to court \(DVB Burmese\)](#)

**May 15th**

[Twelve worker strikers from Taw Win factory, arrested \(RFA Burmese\)](#)

**May 8th**

[Activist sentenced to seven years six months for 'cutting down trees' \(Karen News\)](#)

[Pardoned Burmese social activist back to prison in reform 'setback' \(Radio Free Asia\)](#)

## **Facing Trial**

This month **11** individuals were indicted for their human rights activities. Eight were indicted under section 18 of the Peaceful Assembly and Peaceful Procession Act, while the remaining 3 are facing charges under section 500 of the penal code, which allows maximum 2 year punishment for defamation.

The most popularly used tool to detain activists continues to be the stringent Peaceful Assembly and Procession Act, signed by President U Thein Sein in December 2011. Two leading land rights activists, Kyaw Lin and Sein Than, are facing trial under section 18 of the protest bill for organizing unsanctioned protests demanding the return of confiscated land in Thingangyun Township, Rangoon. Sein Than is currently under detention in Insein prison. Also facing trial under section 18 of the protest bill are 10 villagers from Maday Island, Arakan State, who protested their loss of livelihood brought about by the construction of the Shwe Gas Pipelines. Over 500 villagers attended the initial hearing, held on 6 May, and demanded that they all be tried in court. The court then released the 10 defendants on bail, with a second hearing scheduled on 16 May.

An additional 3 activists have been indicted under section 18 of the protest bill for holding a peaceful ceremony on May 19 reflecting on the Letpadaung Copper Mine Project. The activists are Ko Hein Zaw Win, a leader of All Burma Federation of Student Union, Ko Nway Oo Ko, ABFSU, and U Myint Aung, a member of the Committee for Helping Letpadaung.

U Lahtaw Brang Shawng, a Kachin IDP, has been under trial for over one year, and was severely tortured by Burma army soldiers in an effort to extract a confession. His lawyer, U G Mar Khar, has appealed to the court to allow examination of U Zaw Min, the township judge who took U Brang Shaun's confession. The appeal was rejected by the district court. According to U G Mar Khar, "One inconsistency is the dispute about U Brang Shaun's injuries. The judge who took confession from U Brang Shaun stated that he did not see any injuries. However, the prosecution witnesses stated that they saw U Brang Shaun with injuries," voiced U G Mar Khar.

On May 18, 2013, National League for Democracy Party (NLD) members: U Kyaw Swe, U Shan Tayote, U Soe Naing and Daw Mei Khay and U Than Htike were notified that they were being charged under Section 18 of the protest bill for holding a demonstration the day before calling for the end of construction on a new building on Strand Road facing the Irrawaddy River. At 8:30 am on May 17 more than 50 protesters, who refer to themselves as the Irrawaddy Lovers Network, were stopped by U Myint Oo, No 2 Police Station Commander, who separated the protestors and confiscated their posters.

Young ethnic Mons were arrested after being accused of allegedly attacking a police officer. The All Mon Region Democracy Party announced that the police seemed to have violated the rights of the youths. Charged under Article 333 of the Burmese Penal Code, the three adults face up to 10 years imprisonment; the eight minors are being indicted under the 1993 Child Law. The sentence is expected on May 10, 2013.

**May 23rd**

[Ko Htin Kyaw refused bail, but let police arrest him \(RFA Burmese\)](#)

**May 14<sup>th</sup>**

[Pipeline protesters face jail for 'unlawful assembly' \(Democratic Voice of Burma\)](#)

**May 13<sup>th</sup>**

[Burma-China led oil gas projects spark arrests \(Human Rights Watch\)](#)

**May 9<sup>th</sup>**

[The submission to examine the person, took confession from U Brang Shaun, rejected again \(Mizzima Burmese\)](#)

**May 8<sup>th</sup>**

[Land rights activist sued for protesting without permission \(Irrawaddy\)](#)

**May 7<sup>th</sup>**

[Mon youths detained, tortures for attacking officer, NGO claims \(The Irrawaddy\)](#)

**May 6<sup>th</sup>**

[The Maday Island protest leaders are facing trial \(VOA Burmese\)](#)

**May 4<sup>th</sup>**

[The residents from Maday Island will be charged \(VOA Burmese\)](#)

**May 2nd**

[Activist opts for prison time over fine \(Myanmar Times\)](#)

## Releases

On May 19, 2013, 23 political prisoners were released from prison under Section 401 of the Burmese Code of Criminal Procedure. Prominent activist Nay Myo Zin, who had recently been sent back to jail after receiving pardon in January 2012, was one of the prisoners benefiting from the amnesty. Activists have accused the government of playing political games, just ahead of President Thein Sein's historic visit to Washington the same day, where he was due to meet President Obama in the White House. Political prisoners are amnestied under Article 401 of the Burmese Penal Code, which allows for their original sentence to be re-imposed by authorities arbitrarily.

On May 30, 2013, a prominent activist and his two colleagues were released from prison after a court exempted them from making a payment for bail, in a defamation case brought against them for speaking out against an alleged land grab.

On May 31, 2013, Minister U Aung Min stated that the detained refugee, U Brang Shaun, who was accused of being in contact with the Kachin Independent Organization (KIO), would be released within a week of being sentenced by the high court, according to Jan-Mai-Kaung Church. After Minister U Aung Min and UN Special Advisor, Mr. Namibia, went to visit Jan-Mai-Kaung Church in Myitkyinar Tsp, Kachin State on the morning of May 31, 2013, church officials claimed again that U Aung Min would release U Brang Shaun under the fair judiciary system. During the meeting between the minister and Jan-Mai-

Kaung Church officials, U Aung Min clarified that detainees who were arrested under Section 17 (1) of the Unlawful Association Act would all be released if there was peace in Kachin State.

The defense lawyer of U Lahtaw Brang Shaun, a Kachin IDP accused under the Unlawful Associations Act, U G Mar Khar, submitted a letter to examine and summon the Township Deputy Judge, U Zaw Min, who primarily took the confession of the defendant, U Brang Shaun. However, the State High Court rejected the submission on May 30, 2013, as the Township and the District courts had already rejected it. During the confession taken by U Zaw Min, U Lahtaw Brang Shaun had visible injuries due to torture and was found to have a recorder attached to his body.

#### **May 31th**

[U Brang Shaun will be released within a week of his sentence \(Mizzima Burmese\)](#)

[Kachin detainees set for release after peace talks \(The Irrawaddy\)](#)

[U Aung Min articulated, 17 \(1\); U Brang Shaun will be released within a week of his sentence \(Mizzima\)](#)

#### **May 30th**

[Myanmar activist freed after refusing bail \(Radio Free Asia\)](#)

#### **May 27th**

[Shan party: Latest political prisoners release unconditional \(SHAN\)](#)

#### **May 17th**

[Activists slate prisoner amnesty ahead of TheinSein's US trip \(Democratic Voice of Burma\)](#)

[Burma releases political prisoners ahead of US State visit \(The Irrawaddy\)](#)

[Activists criticise amnesty \(The Myanmar Times\)](#)

[Myanmar releases jailed dissidents ahead of President's US visit \(Radio Free Asia\)](#)

[Thein Sein again uses Political Prisoners as PR tools \(Burma Campaign UK\)](#)

[Myanmar frees political prisoners before President goes to US \(Yahoo News\)](#)

## **Detentions**

Strike leaders, Ko Nay Lin Oo and Ma Ei Zar Phyu, who used to work in Taw Win factory, Shwepyitha Tsp, Rangoon, were arrested by the authorities on the night of May 14, 2013. It appears that the Employment Tribunal was in favor of the workers' demands, but their decision was not enforced when the company appealed the decision to the Supreme Court. Eventually, the case dealing with the beaten factory workers was filed, as no new piece of information was added to the case. Therefore, worker leaders went to the factory to have a talk with the manager and were arrested as a consequence for trespassing. They have been detained in Hlaw-Kar police station and family members have planned to visit them on May 15, 2013.

The whereabouts of three protestors remained unknown in the month of May, after over 30 days of their initial arrest. The three protestors, U Aung Soe, Ko Soe Thu, and U Maung San, were last seen on 25 April being taken by police to the Wanbao building, the Chinese company co-sponsoring construction of the Letpadaung copper mine. Concerned family members have made repeated trips to the local Monywa prison and Sarlingyi police stations in an effort to disclose the whereabouts of their loved ones, and were reportedly treated poorly when they asked about the fate of their loved ones. More than 400 farmers and local villagers gathered on 29 May in Sagaing Division to urge for the release of U Aung Soe, Ko Soe Thu, and U Maung San.

International standards emphasize that delaying or restricting notification to family members of a detainees' whereabouts, are permitted in only very exceptional circumstances and for very short periods of time. The UN Special Rapporteur on Torture has stated that

“incommunicado detention should be made illegal, and persons held incommunicado should be released without delay”<sup>1</sup>.

**May 29<sup>th</sup>**

[Letpadaungprotesters mark crackdownanniversary by urgingdetainees’s release \(The Irrawaddy\)](#)

**May 15<sup>th</sup>**

[Two worker leaders were arrested \(RFA Burmese\)](#)

## **Conditions of detention and treatment of family members**

Family members of two the LapdaungTaung activists who were last seen in police custody on 25 April, U Maung San and Ko Soe Thu, requested to meet with their loved ones but were denied by the Monyan prison authorities : "They arrested my son and we heard that he has been detained in this prison. However, the warden of a jail said that my son is not here. We have inquired about my son’s whereabouts at many police stations, but they have all said that they do not know where he is detained," said Daw New Tin, a mother of 18 year-old Ko Soe Thu.

Since there has been no information about the U Maung San or Ko Soe Thu until the end of May, the family members of the said villagers plan to submit letters to the senior level authorities in hope to shed light on the detainees’ status. Defense lawyer and former political prisoner Saw Kyaw Kyaw Min has taken on the case, saying : "At this time, the two villagers have been detained for more than 30 days. Within this period the detained villager’s case should’ve brought to court and their families informed or they should be free, but it did not occur."

Twelve factory employees, who are being held in remand since the employees were arrested on 14 May after fighting with their supervisors at a factory owned by the Tawwin Family Company last December, claim they are being treated unfairly and forced to work in Rangoon’s notorious Insein Prison. Family members who visited the detained workers said they were being assigned manual labour jobs, including disposing of human waste, even though they have yet to be convicted of any crimes, according to Than Naing, the father of one of the incarcerated labourers.

Christian Solidarity Worldwide, CSW, notes in a new report that “the testimonies provided by internally displaced Kachin people during the visit included some of the worst accounts of human rights violations CSW has ever documented”. For instance, one Kachin former prisoner described the torture he endured during interrogation as being hung upside down for a day and a night, beaten and attacked with knives. “They put a hand grenade in my mouth and threatened to pull the pin ... then they put a plastic bag over my face and poured water over it,” he told CSW.

According to an ethnic Mon group, eight minors and three adults from Mon State have been held in detention since mid-April and have suffered from torture during police interrogations, the first week-end of May (The Irrawaddy).

**May 28<sup>th</sup>**

[Family members of the detained farmers plan to inquire further \(RFA Burmese\)](#)

**May 20<sup>th</sup>**

[Workersdecry conditions, forced labour in Insein Prison \(Democratic Voice of Burma\)](#)

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<sup>1</sup>Report of the Special Rapporteur on Torture, UN Doc.A/56/156, July 2001, para. 39(f)

**May 13<sup>th</sup>**

[Burma: CSW releases new report detailing severe human rights abuses \(Christian Solidarity Worldwide\)](#)

**May 7<sup>th</sup>**

[Mon Youths Detained, Tortured for Attacking Officer, NGO Claims \(The Irrawaddy\)](#)

**May 2<sup>nd</sup>**

[Family members were unable to inquiry about two Lapdaung resident detainees ' whereabouts \(The Irrawaddy\)](#)

## **Restrictions on political and civil liberties**

The month of May marked the first time a former political prisoner was sentenced under section 401 of the Code of Criminal Procedure, a conditional provision that allows for the re-arrest of a released prisoner where he or she can be made to serve the remainder of their original outstanding sentence. Nay Myo Zin, former army captain and political prisoner, was sentenced to an additional 6 years imprisonment, without trial, under 401. The sentencing has alarmed the former political prisoner community, considering thousands have been conditionally released under 401.

Burma's protest bill continues to be used discriminately against human rights activists who challenge state-sponsored interests. Ten Arakanese activists are facing up to 1 year in jail for staging a protest against a controversial China-backed oil and gas pipeline. One of the defendants claims that the local police rejected their applications for a protest permit on 3 separate occasions. This is not an isolated incident. Activists who sought to protest against the Letpadaung copper mine had every request to lawfully protest denied by local police authorities (**see Facing Trial**).

Farmers criticizing the confiscation of their lands by the Burma military face harassment and arrest. This month, six farmers in Sinbaungwe Township were arrested by members of the army after trying to plant sesame crops to challenge army confiscation of their land. The dispute highlights the increase in land conflicts in Burma, which have been unequally targeting impoverished farmers. In addition to this, 11 human rights activists are facing trial for exercising their constitutional right to freely express their opinion or beliefs (**see Facing Trial**).

**May 24<sup>th</sup>**

[The police notified the factory strike leaders \(Radio Free Asia Burmese\)](#)

**May 24<sup>th</sup>**

[Myanmar farmers arrested for trespassing of army confiscated land \(Radio Free Asia\)](#)

**May 22<sup>th</sup>**

[Myanmar: Police who attacked peaceful protestors must be prosecuted \(ALRC\)](#)

**May 17<sup>th</sup>**

[Unlawful association lawhinderpeaceprocess: Shan's RCSS \(The Irrawaddy\)](#)

**May 14<sup>th</sup>**

[Pipeline protestors face jail time for 'unlawful assembly'\(Democratic Voice of Burma\)](#)

**May 13<sup>th</sup>**

[Activists slam reshuffle of prisoner body \(The Myanmar Times\)](#)

## **Restrictions on former political prisoners**

After being released in January 2012 by President Thein Sein's mass amnesty, the political activist Nay Myo Zin, who already served less than a year of decade-long sentence for writing for exiled media outlet the Democratic Voice of Burma by breaking the Electronic Transactions Act, has seen its prison amnesty revoked, after he was accused of defaming the police. The campaign activist was arrested in January 2013 and was fined 20,000 kyat (U.S. \$22) or three months in jail for accusing police officers for being corrupt. Nay Myo Zin opted to go to prison rather than pay what he called an « unjust » fine, saying the defamation



charges were baseless (Radio Free Asia). However, a group of farmers paid the fine in order to avoid detention. But, just before he was freed, he received an order from the Home Affairs Minister Ko Ko stating that he has been sentenced for six years of jail under section 401 (1) from his previous sentence in 2011. This re-arrest raises awareness among former political prisoners whose safety and ability to freely engage in democracy are threatened.

Farmers plan to send a petition to Thein Sein demanding Nay Myo Zin's freedom.

"It shows that we still have unfair laws for people in Burma, and it is like stopping people who are helping in the country's development," said Thein Win, chairman of the Development Union for Fishermen and Farmers in Pantanaw Township. Jimmy Kyaw Min Yu of the 88 Generation Student Group said that ordering political prisoners who have been given amnesty to serve their remaining sentences is a "regressive step" and raises doubts about the government's reform program (Radio Free Asia).

According to the Assistance Association for Political Prisoners (Burma):

« The case of Nay Myo Zin sends a strong message to thousands of released political prisoners who have similarly been released under Article 401 (1): 'You are not free'. »

#### **May 10th**

[A prominent student activist, slammed the Burmese government on Thursday for revoking the presidential pardon of a former political prisoner \(Voice of Democratic Burma\)](#)

#### **May 8<sup>th</sup>**

[Burma revokes pardon of dissident writer for 'defaming' police \(Democratic Voice of Burma\)](#)

[Burma cancels amnesty for former political prisoner \(The Irrawaddy\)](#)

[Authorities in Burma have thrown a pardoned political prisoner who has been critical of the nation's police back in jail \(Radio Free Asia\)](#)

[Myanmar's opposition cried foul Wednesday after the authorities revoked a prison amnesty \(Google\)](#)

[Former Political Prisoner Forced To Serve Old Prison Sentence \(Burma Campaign UK\)](#)

## **AAPP (B) in the media**

U Bo Kyi, joint secretary of the Assistance Association for Political Prisoners (Burma) and official member of the political prisoner review mechanism, expressed concern with the inaccuracies in the government's list of remaining political prisoners. "We are scrutinising the lists. We also asked for the list of political prisoners from the government and we will work together. Recently, there were at least 183 political prisoners still in jail and more than 100 were on trial," U Bo Kyi said, citing AAPP (B) figures (Myanmar Times, May 20, 2013). In addition, fifty Kachin civilians were arrested during the military's ongoing offensive against the Kachin Independence Army (DVB, May 17, 2013, [Activists slate prisoner amnesty ahead of Thein Sein's US trip](#)).

AAPP (B) raised the issue that there has been no transparent input or dialogue before or after the release of political prisoners among all official members of the review mechanism. Prisoner release lists are compiled in secret by the Prison Department or President's Office and then passed onto the committee to be endorsed (DVB, May 17, 2013, [Activists slate prisoner amnesty ahead of Thein Sein's US trip](#)).

U Bo Kyi claimed that "the government's intention is to ease international pressure." He added the fact that he disliked the previous release on April 23, 2013. The Association found out that some released prisoners were drug dealers and "we did not regard them as political prisoners." Also "they did not announce anything when they released them and all [the released detainees] had to sign under 401, which means conditional release. We want

President Obama to suggest that Burma's president release Nay Myo Zin immediately and to announce those who are released previously under Section 401 are unconditionally released," said Bo Kyi, referring to the dissident(The Irrawaddy, May 17, 2013, [Burma Releases Political Prisoners Ahead of US State Visit](#) ).

AAPP (B) condemns the sentencing of former political prisoner under Article 401 (1) (AAPP's statement, May 8, 2013) and claimed in a statement on Wednesday on Mya 8, 2013, that the cancelation of amnesty for the former political prisoner Nay Myo Zin is "a disturbing warning sign to former political prisoners conditionally released under section 401 (1)" (Burma News International). "The case of Nay Myo Zin sends a strong message to thousands of released political prisoners, who have similarly been released under Article 401 (1), that they are not free. His sentence greatly harms the human rights of released political prisoners and their ability to openly and freely engage in democracy and the national reconciliation process," said Tate Naing (Burma News International) (Video clip on DVB, May 14, 2013).

#### **May 20th**

[Shedding light on political prisoners \(The Myanmar Times\)](#)

#### **May 17th**

[AAPP \(B\) urges Government of Burma to release all remaining political prisoners \(AAPPB\)](#)

[Activists slate prisoner amnesty ahead of Thein Sein's US trip \(Democratic Voice of Burma\)](#)

[Burma Releases Political Prisoners Ahead of US State Visit \(The Irrawaddy\)](#)

#### **May 14th**

<https://www.facebook.com/photo.php?v=10151597951733535&set=vb.191574990881009&type=2&theater>  
(AAPPB)

## **Key Domestic and International Developments**

The 88 Generation Students' Group held a meeting with U.S. Ambassador Derek Mitchell to lobby for the revocation of conditional provisions in Section 401 (1) of Burma's Code of Criminal Procedure, an order that can throw former political prisoners back into jail and under which hundreds of political prisoners have been given amnesty. In fact, this article gives the President the power to restore their sentences at any time. Thus, responding to 88 Generation Students member Jimmy Kyaw Min Yu's claim: « Political prisoners must be freed without any conditions when they are released », Derek Mitchell said that « there shouldn't be any political prisoners if the government is carrying out real reform and real reconciliation » (Radio Free Asia).

The review mechanism aimed at assessing the identities of the remaining political prisoners has been reshuffled with the addition of three new members: Dr Win Naing from the National Democratic Force, U Thein Nyunt from the New National Democracy Party and U Kaung Myint Htut from the Myanmar National Congress Party. However, those changes were not seen as any improvement for committee members as U Tun Kyi from the Former Political Prisoners Association and U Min Zayya from the 88 Generation Students' Group who were qualifying the changes as a "show for the international community to improve Myanmar's image".

While the government-backed political prisoner scrutiny committee was created in February to vet the remaining political prisoners in the country, committee members have complained the process lacks transparency and genuine consultation. Indeed, during the most recent amnesty on 17 May, committee members said prisoner release lists were compiled in secret by the Prison Department and the President's Office and then passed onto

the committee to be endorsed. “U Aung Thein and U Soe Thane are eager to credit prisoner releases to the work of the verification committee, when in fact the releases are not supported by all members and not all members are included in any meaningful way in the release process,” said the AAPP (B) Aung Myo Thein during an interview with DVB after the amnesty. Thus, the special committee’s list and the government records will be crosschecked in order to approach the real number of political prisoners.

On May 20, 2013, President U Thein Sein embarked on a presidential visit to the United States, becoming the first Burma head of state to visit Washington D.C. since 1966. Three days before his visit, President U Thein Sein granted conditional amnesty to 21 political prisoners. International human rights organizations condemned the release, accusing the Government of Burma of using political prisoners as political tools. While President U Thein Sein conditionally amnesties political prisoners, hundreds more are arrested in Kachin State and in Rakhine State. Furthermore, Section 401 of the Code of Criminal Procedure qualifying is a repressive law used to intimidate and to jail political opponents which underlines that all the political prisoners have been released conditionally, meaning that they can be put back in jail at any time.

The US Government claimed it will continue to impose some remaining economic sanctions on Burma for another year. It is essential to underline that in President Obama's letter announcing his action, he cited human rights abuses in ethnic territories and the continual jailing of political prisoners as reasons for the extension. Contrary to the EU who controversially lifted the majority of their remaining trade sanctions last week in support of Burma's democratic reforms, Obama's move is aimed at preventing backsliding on democratic reforms.

#### **May 31<sup>st</sup>**

[Committee asked to push for release of former spy chief's son-in-law \(Democratic Voice of Burma\)](#)

#### **May 22<sup>nd</sup>**

[Thein Sein visit prompts US to ease sanctions \(Mizzima\)](#)

[Key Senator to let Burma sanctions bill lapse \(The Irrawaddy\)](#)

#### **May 21<sup>st</sup>**

[Lawmakers are asking Myanmar President Thein Sein to free nearly 250 political prisoners. \(Newser\)](#)

[President U Thein Sein faces criticisms from international human rights groups regarding the failure of its reforms promises made last year \(Karen News\)](#)

#### **May 20<sup>th</sup>**

[President U Thein Sein released 23 political prisoners under amnesty before its first visit to the United States \(The Myanmar Times\)](#)

#### **May 15<sup>th</sup>**

[Burmese President Thein Sein is set to meet with U.S. President Barack Obama next week, marking the first official visit to Washington by a leader of the former pariah nation in nearly five decades \(Radio Free Asia\)](#)

#### **May 14<sup>th</sup>**

[“Derek Mitchell said that there shouldn't be any political prisoners if the government is carrying out real reform and real reconciliation.” \(Radio Free Asia\)](#)

#### **May 13<sup>th</sup>**

[A political stunt to improve Myanmar's image: the reshuffle of prisoner body \(The Myanmar Times\)](#)

#### **May 3<sup>rd</sup>**

[US relaxes visa ban for Myanmar officials \(Mizzima\)](#)

[White House announces extension of national emergency status for Burma; eases travel ban \(SHAN\)](#)

[United States extend Burma sanctions authority for one year \(The Irrawaddy\)](#)

## **Conclusion**

This month was marked by the release of 21 political prisoners. AAPP welcomes the release of any political prisoner, however the release raises many doubts as to the real nature

of this so-called amnesty, namely for three reasons: the releases are conditional and too easily revocable under Article 401 of the Burmese Criminal Procedure Code; political prisoners are still used as public relations tools, especially in a context where the international community is opening to Burma; and the release was highly limited, compared to about 200 political prisoners remaining behind bars. In an environment of unjust arrests, ongoing prison torture and human rights breach, it is indispensable to call for action and keep the fight for political prisoners' rights high on the agenda.

Political prisoners were again released under Article 401, which allows the President of Burma to suspend or remit any sentence, without conditions. Nevertheless, Article 401 (4) has specific conditions and further states that "if any condition on which a sentence has been suspended or remitted is, in the opinion of the President of Union, not fulfilled, the President of the Union may cancel the suspension or remission, and there may be arrested by any police-officer without warrant and remanded to complete the un-expired portion of the sentence." Indeed, as highlighted by too many examples in this month's chronology, political prisoners have been released from prison but are not totally free yet.

A pardoned political prisoner's amnesty revocation occurred this month, the first case of its kind in Burma. After being released through an amnesty in January 2012, social campaigner Nay Myo Zin was condemned to complete the remaining 6 years of his prison sentence he received 10 years ago, for allegedly being critical of the nation's police. The use of Article 401 is thus used as a legal tool to shut down any political opposition and to secure a system where the military still holds power.

Such actions are detrimental to Burma's rule of law, this is why there is an urgent need to lift conditions on former political prisoners previously released under Article 401. Domestic reforms are appearing to highlight and illustrate Burma's path to democracy. However, a noticeable gap remains concerning political freedom as well as freedom of speech and association. There is an urgent need to formalize these rights towards Burmese citizens and political activists, and this begins with the complete abolition of Article 401 of the Burmese Criminal Procedure Code. Once again, AAPP (B) raises concerns about Burma's so-called reforms leading to democracy and calls for an unerring support in helping political prisoners, this country's defenders, to regain their full rights.